

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

JAMES S. OLIN; JOHN G. MCNEIL; AND
JOHN A. MCNEIL, JR.

PLAINTIFFS

VS.

CAUSE NO. A3402-15-77

LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIAN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10

DEFENDANTS

COMPLAINT

COME NOW Plaintiffs, JAMES S. OLIN; JOHN G. MCNEIL; AND JOHN A. MCNEIL, JR., through undersigned counsel, and in support of their Complaint would state as follows:

PARTIES

1. Plaintiff James S. Olin is an adult resident of Tennessee. Plaintiff John G. McNeil is an adult resident of Florida. Plaintiff John A. McNeil, Jr., is an adult resident of Alabama. All Plaintiffs may be served with process through undersigned counsel.
2. Defendant Luther, Collier, Hodges & Cash, LLP, is a law firm organized and based in Alabama, with offices in Alabama, Florida and Mississippi. This Defendant may be served with process through its agent for service, Vcorp Agent Services, Inc., 6917 Wrenwood Dr., Horn Lake, MS 38637; or wherever it may be found.
3. Defendant Lucian Hodges is an adult resident of Alabama, who can be served at 401 Church St., Mobile, AL 36602-2300, or wherever he may be found. Mr. Hodges is licensed to practice law in Mississippi.
4. Sam Gaillard Ladd, Jr., is an adult resident of Alabama, who can be served at 63 South

Page 1 of 5



Royal Street, 13th Floor Riverview Plaza, Mobile, Alabama 36602, or wherever he may be found. Mr. Ladd is licensed to practice law in Mississippi.

5. Defendants John Does 1-10 are individuals or entities, whose identities are not currently known, but whose actions or inactions may have contributed to the Plaintiffs' injuries. When the identities are determined, the pleadings will be amended.
6. This is a lawsuit for damages based on professional negligence. The causes of action occurred or accrued in Harrison County, Mississippi, Second Judicial District.
7. This Court has jurisdiction of the subject matter and parties, and venue is proper.

FACTS

8. Defendants Luther, Collier, Hodges & Cash LLP; Lucian Hodges; and Sam Gaillard Ladd, Jr., (collectively, "the Defendants"), were attorneys representing the Plaintiffs and their company, Sterling Development Company, LLC, against claims contained in a lawsuit styled *BancorpSouth Bank v. Sterling Dev. Co., LLC, et al.*, Harrison County Circuit Court, 2nd Jud. Dist., Cause No. A2402-11-57.
9. In the underlying litigation, the Defendants were retained by Sterling Development Company, LLC, and its members/guarantors, the Plaintiffs, to defend against claims asserted by BancorpSouth Bank. Specifically, the bank sought \$1.4 million in arrearage, plus interest, costs and fees, related to commercial loans made to Splash-Biloxi, LLC, and personally guaranteed by the Plaintiffs, individually.
10. Lucian Hodges previously had represented one or more of the Plaintiffs and their business interests, and he was contacted by Plaintiffs after the BancorpSouth lawsuit was received.
11. Hodges agreed to defend the Plaintiffs, and assigned or associated Sam Gaillard Ladd, Jr.,

- to work on the file.
12. An application for entry of default was filed by BancorpSouth prior to the Defendants filing an answer.
 13. Subsequently, the Defendants failed to respond to a motion for default judgment filed by BancorpSouth.
 14. Defendants then missed a default judgment hearing held before Hon. Lisa Dodson on Sept. 21, 2012.
 15. At the conclusion of that hearing, a \$1.9 million judgment was rendered against the Plaintiffs, jointly and severally. See Exhibit "A," to this Complaint.
 16. The judgment included: \$1,094,900.27 for unpaid loan principal; \$387,870.29 for pre-judgment interest; \$489,446.28 for attorney fees; plus late fees, post-judgment interest and court costs.
 17. The judgment then was placed on the public judgment roll. See Exhibit "B," to this Complaint.

COUNT I: PROFESSIONAL NEGLIGENCE

18. The averments contained in the preceding paragraphs are cited and incorporated as if fully restated in this paragraph.
19. At all relevant times, an attorney-client relationship existed between the Plaintiffs and the Defendants.
20. The Defendants owed each Plaintiff the duties of care, loyalty, fidelity and all other duties contained in the attorney-client relationship. This relationship was in the form of a contract. These duties, and each of them, were fiduciary in nature.

21. The Defendant attorneys held themselves out to Plaintiffs as experienced litigators, possessing the level of expertise consistent with the circumstances of the case.
22. The Plaintiffs were entitled to rely on the attorneys to possess such expertise, and to take all proper steps to protect and defend the Plaintiffs in the subject litigation.
23. By failing to timely answer the lawsuit, failing to respond to the request for default, and failing to attend the default judgment hearing, the Defendants breached the duties owed to the Plaintiffs, and breached the contract between them.
24. These actions constituted negligence as a matter of law.
25. The Defendants' negligence directly or proximately caused entry of the \$1.9 million judgment against the Defendants, Exs. "A," "B."
26. The Plaintiffs, and each of them, have incurred other damages, including without limitation, attorney fees and other costs, the amounts and types of which will be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, James S. Olin; John G. McNeil; and John A. Mcneil, Jr., and each of them individually, request this Court to hold the Defendants, and each of them individually, liable for negligence, and to award Plaintiffs compensatory damages, attorney fees and costs. Plaintiffs also request general relief as may be just and proper.

Respectfully Submitted;

JAMES S. OLIN; JOHN G. MCNEIL; AND JOHN A. MCNEIL, JR.,
Plaintiffs

By: JOHNSON LAW PRACTICE, PLLC

s/R. Hayes Johnson, Jr.

R. Hayes Johnson , Jr. (MSB #10697)
Johnson Law Practice, PLLC
1902 21ST Ave., Gulfport, MS 39501
P. O. Box 717, Long Beach, MS 39560
228.868.5499-o; 888.647.3665-f
Email: rhayesj@gmail.com

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

BANCORPSOUTH BANK

PLAINTIFF

VERSUS

CAUSE NO. A2402-11-57

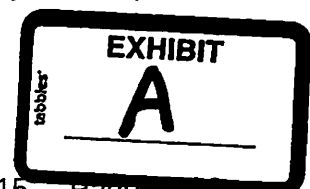
STERLING DEVELOPMENT COMPANY, LLC,
DAVAGE J. RUNNELS, JOHN A. MCNEIL, JR.,
JAMES S. OLIN AND JOHN G. MCNEIL

DEFENDANTS

ORDER

This Cause came on to be heard on BancorpSouth Bank's Motion for Default Judgment against Davage J. Runnels, John A. McNeil Jr., James S. Olin, and John G. McNeil (hereinafter collectively "Defendants") pursuant to Rule 55(b) of the Mississippi Rules of Civil Procedure, and the Court having found that the Defendants have been each duly served with the Summons and Complaint; none of these Defendants are infants or unrepresented incompetent persons. The Court finds that the Clerk of the Court entered default against Defendants on May 22, 2012 and Defendants have not sought to have such entry of default set aside in accordance with Mississippi Rule of Civil Procedure 55(c). The Court finds that the Plaintiff, BancorpSouth Bank, is entitled to a default judgment against Defendants, Davage J. Runnels, John A. McNeil Jr., James S. Olin, and John G. McNeil. *AS MORE FULLY SET FORTH IN THE RECORD.* It is, therefore,

ORDERED AND ADJUDGED that judgment is hereby entered in favor of Plaintiff and against Defendants Davage J. Runnels, John A. McNeil Jr., James S. Olin, and John G. McNeil, jointly and severally, in the principal sum of \$1,094,900.27, for prejudgment interest in the amount of \$387,870.29, for post judgment interest at the contract rate of 5.25% per annum, for a



late fee in the amount of \$400.00, for attorney's fees in the amount of \$489,446.28, and for court costs, for all of which let execution issue.

ORDERED this the 21st day of September, 2012.


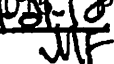

CIRCUIT COURT JUDGE

Document prepared by:

Michael E. Whitehead, MSB #8891
**PAGE, MANNINO, PERESICH &
McDERMOTT, P.L.L.C.**
759 Vieux Marche Mall (39530)
P.O. Drawer 289
Biloxi, Mississippi 39533
Telephone: 228.374.2100
Facsimile: 228.374.3838

FILED
SEP 21 2012

GAYLE PARKER
CIRCUIT CLERK
BY:  D.C.


RECEIVED


CIVIL CASE DISPOSITION REPORT

IN THE CIRCUIT COURT OF Harrison COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

Docket No. 2011 - 57 242 CI Docket No. If Filed
 File Yr. Chronological No. Clerk's Local ID Prior to 1/1/94

*Date this action was filed 03/23/2011
 Month/Day/Year

OR *If dispositive of the original action that created this case, enter that date,
 If this disposes of debt collection, modification, contempt, or other issues
 addressed after the original filing, enter the date it was re-opened.

Dispositive of all Parties? Yes ☒ No, only the following Party(ies) Davage J. Runnels, John A. McNeil, Jr., James S. Olin, &
 (An attachment may be used
 if there are numerous parties) John G. McNeil

No, only the following Attorney(s)

Name Bar No.

Name Bar No.

Enter Ruling Judge Bar No. 6140

Date of Disposition 09 / 21 / 2012
 Month Day Year

Action: ☒ Ruling on Motion ☐ Ex Parte ☐ Temporary Hearing
☐ Contempt/Modification ☐ Settlement Conference ☐ Pre-Trial Conference
☐ Case Administration ☐ Discovery other than Motion ☐ Bench Trial
☐ Jury Trial ☐ Mediation Ordered

Damages Awarded: Compensatory: \$ Punitive: \$

(List Amount or Range Letter):

Range A = 14-\$500 Range B = \$501-1,000 Range C = \$1,001-10,000 Range D = \$10,001-50,000 Range E = \$50,001-100,000
 Range F = \$100,000-500,000 Range G = \$500,000-1,000,000 Range H = \$1,000,000+ Range O = -0-

Method of Disposition:

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Default Judgment | <input type="checkbox"/> Final Judgment/Decree | <input type="checkbox"/> Bankruptcy Discharged |
| <input type="checkbox"/> Summary Judgment | <input type="checkbox"/> Judgment by Stipulation | <input type="checkbox"/> Estate Closed |
| <input type="checkbox"/> Dismissed without Prejudice | <input type="checkbox"/> Agreed Judgment | <input type="checkbox"/> Fiduciary Appointed |
| <input type="checkbox"/> Dismissed with Prejudice | <input type="checkbox"/> Original Judgment Modified | <input type="checkbox"/> Guardian/Conservatorship Appointed |
| <input type="checkbox"/> Dismissed, Lack of Prosec. | <input type="checkbox"/> Vacating Previous Ruling | <input type="checkbox"/> Protective Order (Check if Domestic Violence <u> </u>) |
| <input type="checkbox"/> Dismissed by Agreement | <input type="checkbox"/> New Trial Granted | <input type="checkbox"/> Commitment |
| <input type="checkbox"/> Change of Venue | <input type="checkbox"/> Foreign Judgment Closed | <input type="checkbox"/> Garnishment Issued |
| <input type="checkbox"/> Transferred | <input type="checkbox"/> Satisfaction of Judgment | <input type="checkbox"/> Garnishment Abeyance Order Issued |
| <input type="checkbox"/> Removed to Fed. Court | <input type="checkbox"/> Drivers License Reins./Hard. | <input type="checkbox"/> Garnishment Canceled: Bankruptcy |
| <input type="checkbox"/> Writ Issued | <input type="checkbox"/> Canceled | <input type="checkbox"/> Letters Rogatory |
| <input type="checkbox"/> Affirmed on Appeal | <input type="checkbox"/> Order of Mediation | <input type="checkbox"/> Case Consolidation |
| <input type="checkbox"/> Not Entered Yet | <input type="checkbox"/> Termination of Parental Rights | <input type="checkbox"/> Other(list) <u> </u> |

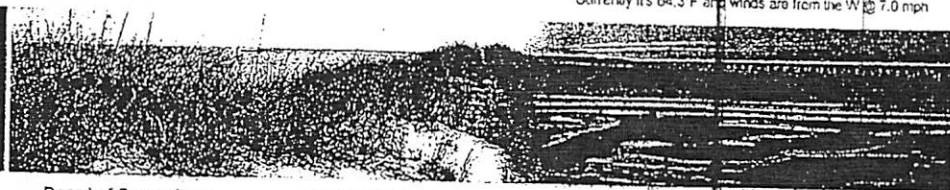
Was Child Support ordered in the disposition of the current matter? Yes ☒ No

If "Yes" was checked, make sure that Child Support Information Sheet was completed and submitted with the Civil Case Filing Form.

Case: 24CI2:15-cv-00097 Document #: 1-2 Filed: 06/26/2015 Page 3 of 3



Currently it's 64.3°F and winds are from the W @ 7.0 mph



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Judgement Roll Search
Marriage License Search

Plaintiff(s)
Name: BANCORPSOUTH BANK
Address: P O BOX 70 BILOXI MS
Satisfied: N
Satisfied Date: 0/0/0000
Remarks: SEE ORDER FOR FEES

VERSUS

Defendant(s)
Name: OLIN, JAMES S
Address: 504 LAKE VALLEY COURT FRANKLIN TN
Satisfied: N
Satisfied Date: 0/0/0000
Remarks: SEE ORDER FOR FEES



Harrison County Judicial 1
1801 23rd Ave
Gulfport, MS 39501

Harrison County Judicial 2
730 Dr. Martin Luther King, Jr. Blvd
Biloxi, MS 39530

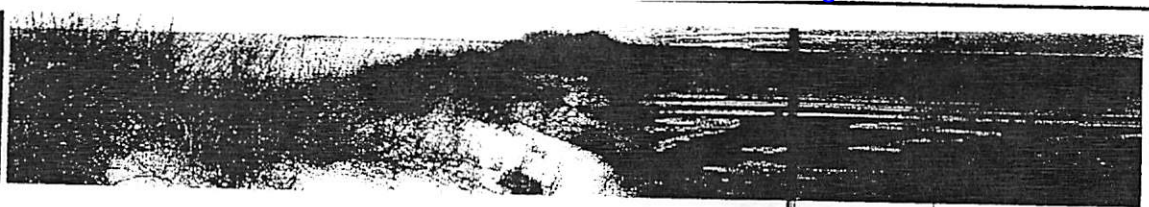
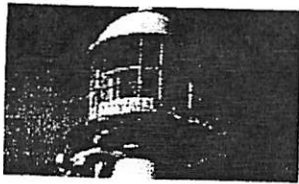


| | | | |
|-----------------------------|-----------------|-------------------------|----------------|
| File Number | 990700 | Judgment Amounts | \$1,094,900.27 |
| Case Number | A24021100057 | | \$126.00 |
| Court of Origin | Circuit Court | | \$0.00 |
| Book/Page | Book: 0 Page: 0 | | \$0.00 |
| Enrollment Date/Time | 9/24/2012 | Total Judgment | \$1,095,026.27 |
| Rendition Date | 9/21/2012 | Renewed (Y/N)? | N |
| | | Renewal Date | 0/0/0000 |

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Harrison County, Judicial 1
P.O. Box 100
Harrison, MS 38501

Harrison County, Judicial 2
P.O. Box 100
Harrison, MS 38501

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Plaintiff(s)

Name: BANCORPSOUTH BANK

Address: P O BOX 70 BILOXI MS

Satisfied: N

Satisfied Date: 0/0/0000

Remarks: SEE ORDER FOR FEES/PARTIAL RELEASE OF JUDGMENT AS TO JAMES OLIN ONLY

VERSUS

Defendant(s)

Name: MCNEIL, JOHN G

Address: 211 MATTIES WAY DESTIN FL

Satisfied: N

Satisfied Date: 0/0/0000

Remarks: SEE ORDER FOR FEES/PARTIAL RELEASE OF JUDGMENT AS TO JAMES OLIN ONLY

File Number

990703

Case Number

A24021100057

Court of Origin

Circuit Court

Book/Page

Book: 0 Page: 0

Enrollment Date/Time

9/25/2012

Rendition Date

9/21/2012

Judgment Amounts

\$1,094,900.27

\$126.00

\$0.00

\$0.00

\$0.00

\$1,095,026.27

Total Judgement

Renewed (Y/N)?

N

Renewal Date

0/0/0000

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1351 23rd Ave
Bilalton, MS 39561

Harrison County Judicial 2
700 Dr. Martin Luther King, Jr. Blvd.
Bilalton, MS 39561

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Plaintiff(s)

Name: BANCORPSOUTH BANK

Address: P O BOX 70 BILOXI MS

Satisfied: N

Satisfied Date: 0/0/0000

Remarks: SEE ORDER FOR FEES/PARTIAL RELEASE OF JUDGMENT AS TO JAMES OLIN ONLY

VERSUS

Defendant(s)

Name: MCNEIL, JOHN A JR

Address: 4502 OLDE PLANTATION PLACE DESTIN FL

Satisfied: N

Satisfied Date: 0/0/0000

Remarks: SEE ORDERS FOR FEES/PARTIAL RELEASE OF JUDGMENT AS TO JAMES OLIN ONLY

File Number

390702

Case Number

A24021100057

Court of Origin

Circuit Court

Book/Page

Book: 0 Page: 0

Enrollment Date/Time

9/25/2012

Rendition Date

9/21/2012

Judgment Amounts

\$1,094,900.27

\$126.00

\$0.00

\$0.00

\$0.00

\$1,095,026.27

Total Judgement

Renewed (Y/N)?

N

Renewal Date

0/0/0000

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**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

**JAMES S. OLIN; JOHN G. MCNEIL; AND
JOHN A. MCNEIL, JR.**

PLAINTIFFS

VS.

CAUSE NO. A2402-15-97

**LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIAN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10**

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

LUCIAN HODGES
401 Church St.
Mobile, AL 36602-2300


You have been made a Defendant in the Complaint filed in this Court by, JAMES S. OLIN; JOHN G. MCNEIL; AND JOHN A. MCNEIL, JR., seeking damages related to a cause of action that occurred or accrued in the Second Judicial District of Harrison County, Mississippi.

You are required to mail or hand-deliver a copy of a written response to the Complaint to R. Hayes Johnson, Jr., P.O. Box 717, Long Beach, MS 39560; and whose telephone number is (228) 868-5499; attorney for Plaintiffs.

YOUR RESPONSE MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER SERVICE OF THIS SUMMONS ON YOU. IF YOUR RESPONSE IS NOT SO MAILED OR DELIVERED, A JUDGMENT OF DEFAULT WILL BE ENTERED AGAINST YOU FOR THE RELIEF DEMANDED BY THE PETITION.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 13th day of July, 2015.

BY:  Clerk of Harrison County, Mississippi

Gayle Parker, Clerk of Harrison County, Mississippi



Issued by and return to:

R. Hayes Johnson, Jr. (MSB #10697)
JOHNSON LAW PRACTICE, PLLC
P.O. Box 717, Long Beach, MS 39560
228.868.5499-o/888.647.3665-f
rhayesi@gmail.com/jlpnotices@gmail.com

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

**JAMES S. OLIN; JOHN G. MCNEIL; AND
JOHN A. MCNEIL, JR.**

PLAINTIFFS

VS.

CAUSE NO. A2402-15-97

**LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIAN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10**

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

SAM GAILLARD LADD, JR.
63 South Royal Street
13th Floor Riverview Plaza
Mobile, AL 36602


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You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 13th day of JULY, 2015.

BY:  D.C.
Gayle Barker, Clerk of Harrison County, Mississippi



Issued by and return to:

R. Hayes Johnson, Jr. (MSB #10697)
JOHNSON LAW PRACTICE, PLLC
P.O. Box 717, Long Beach, MS 39560
228.868.5499-o/888.647.3665-f
rhayesj@gmail.com/jlpnotices@gmail.com

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

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PLAINTIFFS

VS.

CAUSE NO. A2402-15-97

**LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIAN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10**

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

LUTHER, COLLIER, HODGES, & CASH, LLP
c/o Vcorp Agent Services, Inc., its agent
6917 Wrenwood Dr.
Horn Lake, MS 38637

You have been made a Defendant in the Complaint filed in this Court by, JAMES S. OLIN; JOHN G. MCNEIL; AND JOHN A. MCNEIL, JR., seeking damages related to a cause of action that occurred or accrued in the Second Judicial District of Harrison County, Mississippi.

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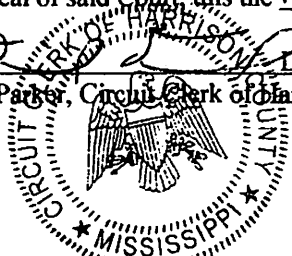
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You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 13th day of July, 2015.

BY: [Signature] CLERK OF HARRISON COUNTY, MISSISSIPPI

Gayle Parker, Circuit Clerk of Harrison County, Mississippi



Issued by and return to:

R. Hayes Johnson, Jr. (MSB #10697)
JOHNSON LAW PRACTICE, PLLC
P.O. Box 717, Long Beach, MS 39560
228.868.5499-o/888.647.3665-f
rhayesj@gmail.com/jlplpnotices@gmail.com

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

**JAMES S. OLIN; JOHN G. MCNEIL; AND
JOHN A. MCNEIL, JR.**

PLAINTIFFS

VS.

CAUSE NO. A2402-K-97

**LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIAN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10**

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

**LUTHER, COLLIER, HODGES, & CASH, LLP
c/o Vcorp Agent Services, Inc., its agent
6917 Wrenwood Dr.
Horn Lake, MS 38637**

You have been made a Defendant in the Complaint filed in this Court by, JAMES S. OLIN; JOHN G. MCNEIL; AND JOHN A. MCNEIL, JR., seeking damages related to a cause of action that occurred or accrued in the Second Judicial District of Harrison County, Mississippi.

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YOUR RESPONSE MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER SERVICE OF THIS SUMMONS ON YOU. IF YOUR RESPONSE IS NOT SO MAILED OR DELIVERED, A JUDGMENT OF DEFAULT WILL BE ENTERED AGAINST YOU FOR THE RELIEF DEMANDED BY THE PETITION.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 10th day of October, 2015.

BY: [Signature] D.C.

Gayle Parker, Circuit Clerk of Harrison County, Mississippi



Issued by and return to:

**R. Hayes Johnson, Jr. (MSB #10697)
JOHNSON LAW PRACTICE, PLLC
P.O. Box 717, Long Beach, MS 39560
228.868.5499-o/888.647.3665-f
rhayesj@gmail.com/jlplnotices@gmail.com**

PROOF OF SERVICE- SUMMONS
(Process Server)

Name of Person or Entity Served: _____

I, the undersigned process server, served the Summons and Complaint upon the person or entity named above in the manner set forth below:

____ **PERSONAL SERVICE.** I personally delivered copies to _____ on the _____ day of _____, _____, where I found said person(s) in _____ County of the State of _____.

____ **RESIDENCE SERVICE.** After exercising reasonable diligence, I was unable to deliver copies to said person within _____ County, _____. I served the Summons and Complaint on the _____ day of _____, _____, at the usual place of abode of said person by leaving a true copy of the Summons and Complaint with _____, who is the _____ (relationship), a member of the family of the person served above the age of sixteen (16) years and willing to receive the Summons and Complaint, and thereafter on the _____ day of _____, _____, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

At the time of service, I was at least eighteen (18) years of age and not a party to this action.

Fee for service: \$ _____

Process server: _____

Badge/ID #: _____

Address: _____

Telephone No.: _____

STATE OF MISSISSIPPI

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the state and county aforesaid, the within named _____, who being first by me duly sworn, states on oath that the matters and facts set forth in the foregoing "Proof of Service- Summons" are true and correct as therein stated.

PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, _____.

NOTARY PUBLIC

(Seal)

My Commission Expires: _____

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

**JAMES S. OLIN; JOHN G. MCNEIL; AND
JOHN A. MCNEIL, JR.**

PLAINTIFFS

VS.

CIVIL ACTION NO.: A2402-2015-97

**LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIEN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10**

DEFENDANTS

NOTICE OF SERVICE

TO: James E. Welch, Jr.
COPELAND, COOK, TAYLOR, & BUSH, PA
P O Box 10
Gulfport, Mississippi 39502-0010
jwelch@cctb.com

COME NOW the Plaintiffs, James S. Olin, John G. McNeil, and John A. McNeil, Jr., by and through their attorney, and hereby give notice to the Court that the above-named counsel was served with a copy of the following discovery documents on the 1st Day of December, 2015, in the above-entitled action, to wit: PLAINTIFFS' RESPONSES TO DEFENDANTS' REQUEST FOR ADMISSIONS.

Notice is further given that the undersigned will retain, as custodian, the original of the aforementioned documents.

Dated, this the 7th Day of December, 2015.

Respectfully submitted,

JAMES S. OLIN, JOHN G. MCNEIL, AND JOHN A. MCNEIL

BY: **JOHNSON LAW PRACTICE, PLLC**

s/R. Hayes Johnson, Jr.

CERTIFICATE OF SERVICE

I, R. Hayes Johnson, Jr., attorney for JAMES S. OLIN; JOHN G. MCNEIL; AND JOHN A. MCNEIL, JR., Plaintiffs in the above styled and numbered cause, do hereby certify that I electronically filed the foregoing with the Clerk of the Court using the MEC system, which electronically served the following attorney(s):

James E. Welch, Jr.
COPELAND, COOK, TAYLOR, & BUSH, PA
P O Box 10
Gulfport, Mississippi 39502-0010
jwelch@cctb.com

This the 7th Day of December, 2015.

/s/ R. HAYES JOHNSON, JR.
R. Hayes Johnson, Jr.
MSB No. 10697

JOHNSON LAW PRACTICE, PLLC
R. Hayes Johnson, Jr. (MSB #10697)
P O Box 717, Long Beach MS 39560
1902 21st Avenue, Gulfport MS 39501
228.868.5499 office/888.647.3665 Fax
rhayesj@gmail.com

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

JAMES S. OLIN; JOHN G. MCNEIL; AND
JOHN A. MCNEIL, JR.

PLAINTIFFS

VS.

CIVIL ACTION NO.: A2402-2015-97

LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIEN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10

DEFENDANTS

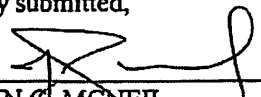
MOTION TO DISMISS CERTAIN PARTIES UNDER MISS. R. CIV. P. 41(a)

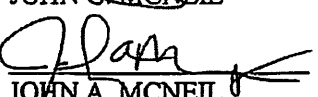
COME NOW the Plaintiffs, John G. McNeil, and John A. McNeil, Jr., and hereby request that this matter be dismissed as to these Plaintiffs only. Said request is brought under Miss. R. Civ. P. 41(a).

WHEREFORE, PREMISES CONSIDERED, John G. McNeil and John A. McNeil, Jr., and each of them, request that this matter be dismissed as to these Plaintiffs, only, as provided by Miss. R. Civ. P. 41(a). Plaintiffs also request general relief.

Dated, this the 28th Day of December, 2015.

Respectfully submitted,



JOHN G. MCNEIL


JOHN A. MCNEIL

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

JAMES S. OLIN; JOHN G. MCNEIL; AND
JOHN A. MCNEIL, JR.

PLAINTIFFS

VERSUS

CIVIL ACTION NO.: A2402-2015-97

LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIEN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10

DEFENDANTS

ORDER GRANTING DEFENDANTS' MOTION TO COMPEL


This cause is here before the Court on the Defendants' Motion to Compel Responses to Discovery pursuant to Rule 37 of the Mississippi Rules of Civil Procedure and the Court, being fully advised in the premises, and noting the approval of all parties through their respective counsel to the entry of this order, finds that Defendants' Motion to Compel Responses to Discovery is well taken and should be granted. It is, therefore,

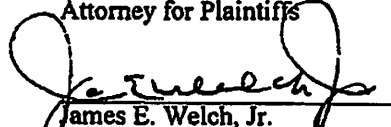
ORDERED AND ADJUDGED, that Plaintiffs John G. McNeil and John A. McNeil, Jr. be and the same are hereby directed to respond fully, completely, and without objection to Defendants' First Set of Interrogatories and Requests for Production of Documents on or before January 18, 2016.

ORDERED AND ADJUDGED, this the 29th day of December, 2015.


CIRCUIT COURT JUDGE


AGREED AND APPROVED:


R. Hayes Johnson, Jr.
rhavesi@gmail.com
Attorney for Plaintiffs


James E. Welch, Jr.
Copeland, Cook, Taylor & Bush, P.A.
jwelch@cctb.com
Attorney for Defendants

FILED
DEC 30 2015

GAYLE PARKER
CIRCUIT CLERK

By  Gayle Parker, ADC

Case: 24CI2:15-cv-00097

Document #: 22

Filed: 12/30/2015

RECEIVED

12-30-15

TPH-4

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

JAMES S. OLIN

PLAINTIFF

VS.

CIVIL ACTION NO. A2402-2015-97

**LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIEN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1 - 10**

DEFENDANTS

NOTICE OF SERVICE

TO: James E. Welch, Jr.
COPELAND, COOK, TAYLOR, & BUSH, PA
P O Box 10
Gulfport, Mississippi 39502-0010
jwelch@cctb.com

COME NOW the Plaintiff, James S. Olin, by and through his attorney, and hereby give notice to the Court that the above-named counsel was served with a copy of the following discovery documents on the 23rd Day of December, 2015, in the above-entitled action, to wit: PLAINTIFF'S RESPONSES TO DEFENDANTS FIRST SET OF INTERROGATORIES PROPOUNDED TO PLAINTIFF JAMES S. OLIN.

Notice is further given that the undersigned will retain, as custodian, the original of the aforementioned documents.

Dated this the 14th Day of January, 2016.

Respectfully submitted,

JAMES S. OLIN

BY: JOHNSON LAW PRACTICE, PLLC

s/R. Hayes Johnson, Jr.

CERTIFICATE OF SERVICE

I, R. Hayes Johnson, Jr., attorney for JAMES S. OLIN, Plaintiff in the above styled and numbered cause, do hereby certify that I electronically filed the foregoing with the Clerk of the Court using the MEC system, which electronically served the following attorney(s):

James E. Welch, Jr.
COPELAND, COOK, TAYLOR, & BUSH, PA
P O Box 10
Gulfport, Mississippi 39502-0010
jwelch@cctb.com

This the 23rd Day of December, 2015.

/s/ R. HAYES JOHNSON, JR.
R. Hayes Johnson, Jr.
MSB No. 10697

JOHNSON LAW PRACTICE, PLLC
R. Hayes Johnson, Jr. (MSB #10697)
P O Box 717, Long Beach MS 39560
1902 21st Avenue, Gulfport MS 39501
228 868-5499-office/888 647-3665-fax
rhayesj@gmail.com

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

JAMES S. OLIN; JOHN G. MCNEIL; AND
JOHN A. MCNEIL, JR.

PLAINTIFFS

VERSUS

CIVIL ACTION NO.: A2402-2015-97

LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIEN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10

DEFENDANTS

ORDER OF DISMISSAL AS TO JOHN G. MCNEIL AND JOHN A. MCNEIL, JR.


This cause is here before the Court on the motion to dismiss [Doc 21] filed by Plaintiffs John G. McNeil and John A. McNeil, Jr. pursuant to Rule 41(a) of the Mississippi Rules of Civil Procedure and the Court, being fully advised in the premises, and noting the approval of all parties through their respective counsel to the entry of this order, finds that the Motion to Dismiss is well taken and should be granted. It is, therefore,

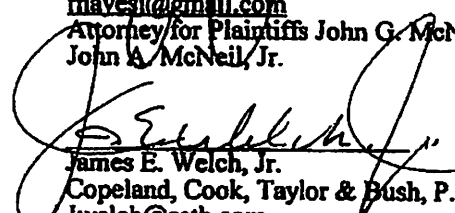
ORDERED AND ADJUDGED, that the above styled and numbered cause be and it is hereby dismissed as to Plaintiffs John G. McNeil and John A. McNeil, Jr., with each party bearing their own costs.

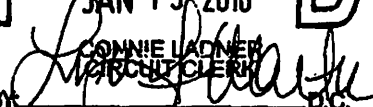
ORDERED AND ADJUDGED, this the 14th day of January, 2016.


CIRCUIT COURT JUDGE

AGREED AND APPROVED:


R. Hayes Johnson, Jr.
rhayesi@gmail.com
Attorney for Plaintiffs John G. McNeil and
John A. McNeil, Jr.


James E. Welch, Jr.
Copeland, Cook, Taylor & Bush, P.A.
jwelch@cctb.com
Attorney for Defendants

FILED
JAN 15, 2016
CONNIE LADNER
CIRCUIT CLERK
BY  D.C.

RECEIVED

1/15/16
MAY

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

JAMES S. OLIN; JOHN G. MCNEIL; and JOHN A MCNEIL, JR. PLAINTIFFS

VERSUS CAUSE NO. A2402-2015-00097

LUTHER, COLLIER, HODGES AND CASH, LLP; LUCIEN
HODGES; SAM GAILLARD LADD, JR.; and JOHN DOES 1-10 DEFENDANTS

ORDER

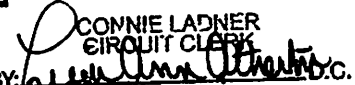
THIS CAUSE came on to be considered and the Court finds that a Scheduling Order is needed to conclude this matter. The parties are to consult with one another and provide an agreed Scheduling Order in the exact format as attached hereto within thirty (30) days. Should no agreed Scheduling Order be received within that time, the Court will enter a Scheduling Order without further notice. It is, therefore,

ORDERED that the parties shall provide an agreed Scheduling Order in the proper format within thirty (30) days of the date hereof and that if same is not received within that time period, the Court will enter a Scheduling Order without further notice.

ORDERED this the 11th day of January, 2016.


CIRCUIT COURT JUDGE

FILED
JAN 22 2016

CONNIE LADNER
CIRCUIT CLERK
BY:  C.

RECEIVED
1-22-16

via mail

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

PLAINTIFF

VERSUS

CAUSE NO. A240_-20_-00_

DEFENDANT

ORDER

THIS CAUSE came on to be considered, and the Court finds that a Scheduling Order is needed in order to expedite and conclude this matter. It is, therefore,

ORDERED that the Plaintiff(s) shall on or before _____, 201_, designate any and all expert witnesses and provide full supplementation regarding any Interrogatories or Requests for Production, and in particular shall supplement with regard to any discovery directed to information concerning expert witnesses. It is further,

ORDERED that the Defendant(s) shall on or before _____, 201_, designate any and all expert witnesses and provide full supplementation regarding any Interrogatories or Requests for Production, and in particular shall supplement with regard to any discovery directed to information concerning expert witnesses. It is further,

ORDERED that the Plaintiff(s) shall on or before _____, 201_, designate any and all rebuttal expert witnesses and provide full supplementation regarding any rebuttal opinions of all expert witnesses. It is further,

ORDERED that all remaining discovery shall be completed on or before _____, 201_. It is further,

ORDERED that any and all motions other than motions in limine shall be filed on or before _____, 201_, and any response to any such motion shall be filed on or before _____, 201_. It is further,

ORDERED that all motions in limine shall be filed on or before _____, 201_, and any response to any such motion in limine shall be filed on or before _____, 201_. It is further,

ORDERED that all motions not previously disposed of shall be heard on _____, 201_, at 9:00 A.M. in _____, MS. It is further,

ORDERED that there shall be a Pretrial Conference on _____, 201_, at 9:00 A.M. in _____, MS. It is further,

ORDERED that Trial of this cause shall be set for _____, 201_.

ORDERED this the _____ day of _____, 201_.

CIRCUIT COURT JUDGE

AGREED:

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

JAMES S. OLIN

PLAINTIFF

VS.

CIVIL ACTION NO.: A2402-2015-97

LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIEN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10

DEFENDANTS

MOTION FOR RECUSAL

COMES NOW, James S. Olin, through counsel, and in support of this Motion for Recusal, would show as follows:

1. The motion is filed, and governed by: Miss. R. Civ. P. 16A; U.C.C.C.R. 1.15; and with reference to the Code Jud. Cond. 3E. Provisions of those rules are hereby referenced and incorporated as if fully recited herein. A good faith statement by undersigned counsel is attached as Exhibit "A."¹
2. "Judges should disqualify themselves in proceedings in which their impartiality might be questioned by a reasonable person knowing all the circumstances...." Miss. Code Jud. Cond. Canon 3E.
3. Here, counsel suggests in good faith that recusal may be appropriate in this case, for the following reasons:
4. This is a lawsuit based on legal malpractice, based primarily on the alleged failure of the Defendants to answer, appear and defend the Plaintiff against a default in an earlier case, *BancorpSouth Bank v. Sterling Dev. Co, et al.*, Cause No. 11cv57.
5. In the previous case, this Court, Hon. Lisa Dodson, granted a default judgment against the

¹Counsel's legal assistant is unavailable, so the statement is not notarized. If required, an affidavit will be submitted.

Plaintiff, James S. Olin, and his co-defendants, for \$1.9 million. A copy of the default judgment is attached as Exhibit “B.” A copy of the docket sheet from 11cv57 is attached as Exhibit “C.”

6. Judge Dodson drew the instant case through random case assignment. Recusal is sought for the simple fact that the instant matter will involve many of the same people and issues from the earlier suit. This Court’s own Order will be used as evidence of damages by the Plaintiff. The Court may have to conduct a “trial within a trial” to determine if Plaintiff had meritorious defenses in the previous matter, and also to decide whether Defendants’ alleged negligence was the cause of Plaintiff’s damages.
7. Further, the Court may be asked to resolve various disputes directly related to Judge Dodson’s entry of the default judgment, including:
 - a. Whether the Court was too abrupt entering the default, at a time when prior counsel (Defendant Sam Gaillard Ladd, Jr.) claims to have already communicated with the Court that he was en route to the hearing, but would be late arriving;
 - b. The basis for certain portions of the judgment, including an award of \$489,446.28 attorney fees;
 - c. Whether the Court may have rescinded the default if the Plaintiff had allowed his attorneys to set and argue a motion to set aside.
8. In all of these instances, this Court may be put in a position that appears to require the Court to explain, or defend, or reconsider its prior judgment.
9. For example: Defendants have asserted multiple affirmative defenses based on the contention that the Plaintiff, James S. Olin, failed to mitigate his alleged damages because

he did not attempt to get Judge Dodson to set aside the default.

10. It's difficult to imagine how Judge Dodson could rule on the mitigation issue in the current lawsuit without such a ruling appearing to be a statement on the merits of the motion to set aside in the previous lawsuit.
11. It is not alleged that any of these issues favors or harms either side, nor that this Court is unable to maneuver the issues and arrive at a proper result. However, recusal is appropriate at any time when "it appears that the judge's impartiality might be questioned by a reasonable person knowing all the circumstances...." U.C.C.C.R. 1.15.
12. Since this matter already has been litigated – in part – before Hon. Lisa Dodson, it is respectfully suggested that some other judge ought to be the one who sits over the disputes that arose from Judge Dodson's default judgment.

WHEREFORE, PREMISES CONSIDERED, this Court should find and Order all relief requested, and any not requested to which your Movant, James S. Olin, may be entitled. Movant also seeks general relief.

Respectfully submitted, this 24th Day of January, 2016.

s/R. HAYES JOHNSON, JR.

CERTIFICATE OF SERVICE

I, R. Hayes Johnson, Jr., attorney for JAMES S. OLIN, Plaintiff in the above styled and numbered cause, do hereby certify that I electronically filed the foregoing with the Clerk of the Court using the MEC system, which electronically served the following attorney(s):

James E. Welch, Jr.
COPELAND, COOK, TAYLOR, & BUSH, PA
P O Box 10
Gulfport, Mississippi 39502-0010
jwelch@cctb.com

This the 24th Day of January, 2016.

/s/ R. HAYES JOHNSON, JR.
R. Hayes Johnson, Jr.
MSB No. 10697

JOHNSON LAW PRACTICE, PLLC
R. Hayes Johnson, Jr. (MSB #10697)
P O Box 717, Long Beach MS 39560
1902 21st Avenue, Gulfport MS 39501
228.868.5499 office/888.647.3665 Fax
rhayesj@gmail.com

Page 4 of 4

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

JAMES S. OLIN

PLAINTIFF

VS.

CIVIL ACTION NO.: A2402-2015-97

**LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIEN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10**

DEFENDANTS

GOOD FAITH STATEMENT OF ROBERT HAYES JOHNSON, JR.

COMES NOW Robert Hayes Johnson, Jr., , ESQ., who certifies and states the following, to-wit:

1. My name is Robert Hayes Johnson, Jr. I am attorney licensed in Mississippi, Bar No. 10697. I have personal knowledge of the facts stated herein.
2. I learned earlier this month that Hon. Lisa Dodson was the judge assigned to this case. Judge Dodson was the same jurist who entered a \$1.9 million default judgment in an earlier matter which is central to the legal malpractice allegations contained in the current case.
3. I reviewed legal arguments and potential evidentiary issues in this case, and came to the belief that Judge Dodson may be put in an awkward position by resolving various disputes that arose out of her entry of the default judgment.
4. Defendants had previously scheduled the deposition of my client for Jan. 20, 2016, so I waited until that date to discuss with my client and opposite counsel whether a motion for recusal was appropriate.
5. After those discussions, I decided to file a motion for recusal so that Judge Dodson would review the issues asserted in the motion.
6. This statement is made in good faith, and in accordance with the law and rules, including UCCCR 1.15.

Submitted this, the 24th Day of January, 2016.

Signed: *s/Robert Hayes Johnson, Jr.* (MSB #10697)

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

BANCORPSOUTH BANK

PLAINTIFF

VERSUS

CAUSE NO. A2402-11-57

**STERLING DEVELOPMENT COMPANY, LLC,
DAVAGE J. RUNNELS, JOHN A. MCNEIL, JR.,
JAMES S. OLIN AND JOHN G. MCNEIL**

DEFENDANTS

ORDER

This Cause came on to be heard on BancorpSouth Bank's Motion for Default Judgment against Davage J. Runnels, John A. McNeil Jr., James S. Olin, and John G. McNeil (hereinafter collectively "Defendants") pursuant to Rule 55(b) of the Mississippi Rules of Civil Procedure, and the Court having found that the Defendants have been each duly served with the Summons and Complaint; none of these Defendants are infants or unrepresented incompetent persons. The Court finds that the Clerk of the Court entered default against Defendants on May 22, 2012 and Defendants have not sought to have such entry of default set aside in accordance with Mississippi Rule of Civil Procedure 55(c). The Court finds that the Plaintiff, BancorpSouth Bank, is entitled to a default judgment against Defendants, Davage J. Runnels, John A. McNeil Jr., James S. Olin, and John G. McNeil. *AS MORE fully set forth in the RECORD.* It is, therefore,

ORDERED AND ADJUDGED that judgment is hereby entered in favor of Plaintiff and against Defendants Davage J. Runnels, John A. McNeil Jr., James S. Olin, and John G. McNeil, jointly and severally, in the principal sum of \$1,094,900.27, for prejudgment interest in the amount of \$387,870.29, for post judgment interest at the contract rate of 5.25% per annum, for a

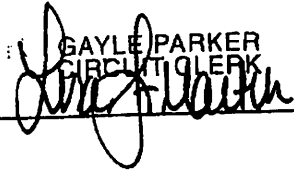
late fee in the amount of \$400.00, for attorney's fees in the amount of \$489,446.28, and for court costs, for all of which let execution issue.


ORDERED this the 21st day of September, 2012.


CIRCUIT COURT JUDGE

Document prepared by:

Michael E. Whitehead, MSB #8891
**PAGE, MANNINO, PERESICH &
McDERMOTT, P.L.L.C.**
759 Vieux Marche Mall (39530)
P.O. Drawer 289
Biloxi, Mississippi 39533
Telephone: 228.374.2100
Facsimile: 228.374.3838

FILED
SEP 21 2012
GAYLE PARKER
CIRCUIT CLERK
BY:  D.C.


Hand Delivered
RECEIVED
9-21-12
JTF

CIVIL CASE DISPOSITION REPORTIN THE CIRCUIT COURT OF Harrison COUNTY, MISSISSIPPISECOND JUDICIAL DISTRICTDocket No. 2011 - 57 242 CI Docket No. If Filed
File Yr. Chronological No. Clerk's Local ID Prior to 1/1/94*Date this action was filed 03/23/2011
Month/Day/Year*If dispositive of the original action that created this case, enter that date,
OR If this disposes of debt collection, modification, contempt, or other issues
addressed after the original filing, enter the date it was re-opened.Dispositive of all Parties? Yes X No, only the following Party(ies) Davage J. Runnels, John A. McNeil, Jr., James S. Olin, &
(An attachment may be used
if there are numerous parties) John G. McNeilNo, only the following Attorney(s)

Name Bar No.

Name Bar No.

Enter Ruling Judge Bar No. 6140Date of Disposition 09 / 21 / 2012
Month Day YearAction: X Ruling on Motion Ex Parte Temporary Hearing
Contempt/Modification Settlement Conference Pre-Trial Conference
Case Administration Discovery other than Motion Bench Trial
Jury Trial Mediation OrderedDamages Awarded: Compensatory: \$ Punitive: \$

(List Amount or Range Letter):

Range A = 1¢-\$500 Range B = \$501-1,000 Range C = \$1,001-10,000 Range D = \$10,001-50,000 Range E = \$50,001-100,000
Range F = \$100,000-500,000 Range G = \$500,000-1,000,000 Range H = \$1,000,000+ Range O = -0-

Method of Disposition:

| | | |
|------------------------------------|---------------------------------------|--|
| <u>X</u> Default Judgment | <u>Final Judgment/Decree</u> | <u>Bankruptcy Discharged</u> |
| <u>Summary Judgment</u> | <u>Judgment by Stipulation</u> | <u>Estate Closed</u> |
| <u>Dismissed without Prejudice</u> | <u>Agreed Judgment</u> | <u>Fiduciary Appointed</u> |
| <u>Dismissed with Prejudice</u> | <u>Original Judgment Modified</u> | <u>Guardian/Conservatorship Appointed</u> |
| <u>Dismissed, Lack of Prosec.</u> | <u>Vacating Previous Ruling</u> | <u>Protective Order (Check if Domestic Violence <u> </u>)</u> |
| <u>Dismissed by Agreement</u> | <u>New Trial Granted</u> | <u>Commitment</u> |
| <u>Change of Venue</u> | <u>Foreign Judgment Closed</u> | <u>Garnishment Issued</u> |
| <u>Transferred</u> | <u>Satisfaction of Judgment</u> | <u>Garnishment Abeyance Order Issued</u> |
| <u>Removed to Fed. Court</u> | <u>Drivers License Reins./Hard.</u> | <u>Garnishment Canceled: Bankruptcy</u> |
| <u>Writ Issued</u> | <u>Canceled</u> | <u>Letters Rogatory</u> |
| <u>Affirmed on Appeal</u> | <u>Order of Mediation</u> | <u>Case Consolidation</u> |
| <u>Not Entered Yet</u> | <u>Termination of Parental Rights</u> | <u>Other(list) <u> </u></u> |

Was Child Support ordered in the disposition of the current matter? Yes X No

If "Yes" was checked, make sure that Child Support Information Sheet was completed and submitted with the Civil Case Filing Form.

1/20/2016

Harrison Circuit

CLOSED

**Mississippi Electronic Courts
Harrison County Circuit Court (Circuit Court - Biloxi)
CIVIL DOCKET FOR CASE #: 24CI2:11-cv-00057**

BancorpSouth Bank v. Sterling Development Company et al
Assigned to: Lisa P. Dodson

Date Filed: 03/23/2011
Date Terminated: 07/16/2015
Jury Demand: None
Nature of Suit: 45 Breach of Contract
Jurisdiction: General

Plaintiff

BancorpSouth Bank

represented by **Michael E. Whitehead**
Page, Mannino, Peresich & McDermott,
PLLC
759 Vieux Marche Mall
BILOXI , MS 39530
228-374-2100
Fax: 228-374-3838
Email: michael.whitehead@pmp.org
ATTORNEY TO BE NOTICED

V.

Defendant

Sterling Development Company L.L.C.

represented by **Lucian Hodges**
Luther, Collier, Hodges & Cash
4300 Bayou Blvd., Suite 33
PENSACOLA , FL 32503
850-473-2260
Fax: 850-473-2262
Email: lhodges@lchclaw.com
ATTORNEY TO BE NOTICED

Defendant

Davage J Runnels

TERMINATED: 09/21/2012

represented by **Sam Gaillard Ladd , Jr.**
Luther, Collier, Hodges & Cash LLP
501 Church Street
MOBILE , AL 36602
251-694-9393
Fax: 251-694-9392
Email: gladd@lchclaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Case: 24CI2:15-cv-00097 Document #: 30-3 Filed: 01/24/2016 Page 1 of 4

1/20/2016

Harrison Circuit

John A McNeil, Jr
TERMINATED: 09/21/2012

represented by **Sam Gaillard Ladd , Jr.**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James S Olin
TERMINATED: 09/21/2012

represented by **Sam Gaillard Ladd , Jr.**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John G McNeil
TERMINATED: 09/21/2012

represented by **Sam Gaillard Ladd , Jr.**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 11/02/2011 | <u>1</u> | CASE DOCKET from 03/23/2011 to 11/02/2011. (Foster, Leigh Ann) (Additional attachment(s) added on 11/3/2011: # <u>1</u> Supplement) (Foster, Leigh Ann). (Entered: 11/02/2011) |
| 11/02/2011 | <u>2</u> | SUMMONS Returned Executed by John G McNeil P/S/P/S to John G. McNeil on the 24th day of October, 2011, in Okaloosa County of the State of Florida. (Foster, Leigh Ann) (Entered: 11/02/2011) |
| 11/02/2011 | <u>3</u> | AFFIDAVIT of Service for Summons served on John McNeil Jr. on October 26, 2011 at 3782 Village Lane, Birmingham AL, filed by Scott G. Hadly (Foster, Leigh Ann) (Entered: 11/02/2011) |
| 11/02/2011 | <u>4</u> | SUMMONS Returned P/S/P/S on John McNeil, Jr on 26th day of October, 2011 in Jefferson County, Alabama (Foster, Leigh Ann) (Entered: 11/02/2011) |
| 11/02/2011 | <u>5</u> | SUMMONS Returned P/S/P/S on Davage J Runnels on October 26, 2011 at 4399 Commons Drive W #100, Destin FL 32541 (Foster, Leigh Ann) (Entered: 11/02/2011) |
| 05/03/2012 | <u>6</u> | APPLICATION to Clerk for Entry of Default and Supporting Affidavit by Plaintiff BancorpSouth Bank (Attachments: # <u>1</u> Exhibit Affidavit of Michael Whitehead) (Whitehead, Michael) (Entered: 05/03/2012) |
| 05/18/2012 | <u>7</u> | ANSWER to Complaint by Sterling Development Company L.L.C.. (Hodges, Lucian) (Entered: 05/18/2012) |
| 05/22/2012 | <u>8</u> | NOTICE OF SERVICE of Interrogatories Propounded to Sterling Development Company, LLC by BancorpSouth Bank. (Whitehead, Michael) (Entered: 05/22/2012) |
| 05/22/2012 | <u>9</u> | NOTICE OF SERVICE of Request for Production of Documents Propounded to Sterling Development Company, LLC by BancorpSouth Bank. (Whitehead, Michael) (Entered: 05/22/2012) |

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| 05/22/2012 | <u>10</u> | Clerk's Docket ENTRY OF DEFAULT as to BancorpSouth Bank (MF) (Entered: 05/23/2012) |
| 06/01/2012 | <u>11</u> | ANSWER to Complaint by John G McNeil. (Ladd, Sam) (Entered: 06/01/2012) |
| 06/01/2012 | <u>12</u> | ANSWER to Complaint by John A McNeil, Jr. (Ladd, Sam) (Entered: 06/01/2012) |
| 06/01/2012 | <u>13</u> | ANSWER to Complaint by James S Olin. (Ladd, Sam) (Entered: 06/01/2012) |
| 06/01/2012 | <u>14</u> | ANSWER to Complaint by Davage J Runnels. (Ladd, Sam) (Entered: 06/01/2012) |
| 06/11/2012 | <u>15</u> | MOTION for Default Judgment as to John McNeil, Jr, James Olin, Davage Runnels and John G. McNeil by Plaintiff BancorpSouth Bank (Attachments: # <u>1</u> Exhibit Affidavit, # <u>2</u> Exhibit Affidavit) (Whitehead, Michael) (Entered: 06/11/2012) |
| 07/06/2012 | <u>16</u> | NOTICE of Hearing by BancorpSouth Bank (Whitehead, Michael) (Entered: 07/06/2012) |
| 07/09/2012 | | Set/Reset Hearings: Hearing on motion for default(Michael Whitehead)set for 9/21/2012 09:00 AM in Gulfport Courtroom 3 before Judge Lisa P. Dodson. (Valdez, Shirley) (Entered: 07/09/2012) |
| 09/21/2012 | <u>17</u> | ORDER granting <u>15</u> BancorpSouth Bank's Motion for Default Judgment against Davage J. Runnels, John A. McNeil Jr., James S. Olin, and John G. McNeil. Signed by Judge Lisa P. Dodson on 09/21/2012. (LS) (Additional attachment(s) added on 9/21/2012: # <u>1</u> Civil Cover Sheet Civil Case Disposition Report) (LS). (Entered: 09/21/2012) |
| 10/12/2012 | <u>22</u> | MOTION to Set Aside Default by Defendants John G McNeil, John A McNeil, Jr, James S Olin, Davage J Runnels (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Ladd, Sam) (Entered: 10/12/2012) |
| 10/17/2012 | <u>23</u> | RESPONSE to Motion re <u>22</u> MOTION to Set Aside Default by BancorpSouth Bank. (Attachments: # <u>1</u> Exhibit 1) (Whitehead, Michael) (Entered: 10/17/2012) |
| 10/17/2012 | <u>24</u> | MOTION to Compel <i>Sterling Development Company LLC's Responses to Interrogatories and Requests for Production of Documents</i> by Plaintiff BancorpSouth Bank (Attachments: # <u>1</u> Exhibit 1) (Whitehead, Michael) (Entered: 10/17/2012) |
| 11/07/2012 | <u>25</u> | NOTICE OF SERVICE of Interrogatories Propounded to Plaintiff and Request for Production to Plaintiff by John G McNeil, John A McNeil, Jr, James S Olin, Davage J Runnels, Sterling Development Company L.L.C.. (Attachments: # <u>1</u> Defendants Interrogatories and Requests for Production to Plaintiff) (Ladd, Sam) (Entered: 11/07/2012) |
| 05/03/2013 | <u>27</u> | SATISFACTION OF JUDGMENT <i>Partial Release as to James Olin ONLY</i> by BancorpSouth Bank. (Whitehead, Michael) (Entered: 05/03/2013) |
| 06/08/2015 | <u>28</u> | Clerk's MOTION to Dismiss for Lack of Prosecution (LF) (Entered: 06/08/2015) |
| 06/11/2015 | <u>29</u> | RESPONSE in Opposition re <u>28</u> Clerk's MOTION to Dismiss for Lack of Prosecution by BancorpSouth Bank. (Whitehead, Michael) (Entered: 06/11/2015) |

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| 07/16/2015 | <u>30</u> | ORDER Dismissing Case as to Defendant Sterling Development Company, LLC for Want of Prosecution <u>28</u> . Signed by Judge Lisa P. Dodson on 07/14/2015. (LS) (Entered: 07/16/2015) |
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**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

JAMES S. OLIN

PLAINTIFF

VS.

CIVIL ACTION NO.: A2402-2015-97

**LUTHER, COLLIER, HODGES & CASH, LLP
LUCIEN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1 - 10**

DEFENDANTS

NOTICE OF HEARING

To: James E. Welch, Jr.
jwelch@cctb.com
Attorney for Defendants

Shirley Valdez, Court Administrator
svaldez@co.harrison.ms.us

PLEASE TAKE NOTICE that James S. Olin, Plaintiff in the above styled and numbered cause, will bring on for hearing his Motion for Recusal before Honorable Lisa P. Dodson, Harrison County Circuit Court Judge, on February 12, 2016 at 9:00 a.m. or when counsel can conveniently be heard at the Harrison County Courthouse, Second Judicial District, 730 Dr. Martin Luther King Jr. Blvd, Biloxi MS.

Respectfully Submitted, this the 3rd Day of February, 2016.

JAMES S. OLIN

BY: JOHNSON LAW PRACTICE, PLLC
s/R. Hayes Johnson, Jr.

CERTIFICATE OF SERVICE

I, R. Hayes Johnson, Jr., attorney for JAMES S. OLIN, Plaintiff in the above styled and numbered cause, do hereby certify that I electronically filed the foregoing with the Clerk of the Court using the MEC system, which electronically served the following attorney(s):

James E. Welch, Jr.
COPELAND, COOK, TAYLOR, & BUSH, P.A.
P O Box 10
Gulfport, Mississippi 39502-0010

This the 3rd Day of February, 2016.

/s/ R. HAYES JOHNSON, JR.
R. Hayes Johnson, Jr.
MSB No. 10697

JOHNSON LAW PRACTICE, PLLC
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